



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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C. HANS FIGI,

Plaintiff,

-against-

ROSS INSTITUTE FOR ADVANCED STUDY
AND INNOVATION IN EDUCATION, THE
ROSS SCHOOL and COURTNEY SALE ROSS,

Defendants.
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**ORDER DENYING MOTION
TO DISMISS AMENDED
COMPLAINT**

12 Civ. 5757 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

By order dated December 5, 2012, I dismissed the complaint for failure to allege diversity jurisdiction. Plaintiff's amended complaint cures that pleading deficiency.

Defendants move to dismiss the amended complaint, arguing that severance pay is not actionable under New York Labor Law. The motion is premature. Discovery is needed to provide context for the allegations. Discovery should be completed before the sufficiency of the claim is tested.

Defendant Courtney Sale Ross is alleged to be the founder, president, and chair of the other defendants, and made the contract that Plaintiff alleges was breached. Whether she acted in a personal, or strictly corporate, capacity also needs to be ascertained after discovery is completed.

The motion is denied. The Clerk shall mark document number 10 terminated.

The parties shall speedily complete Initial Discovery and prepare a Case Management Order for my review. I shall meet with counsel on January 25, 2013, 10:00 a.m.

SO ORDERED.

Dated: New York, New York
December 27 2012

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein".

ALVIN K. HELLERSTEIN
United States District Judge